

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES**

September 23, 2008

CALL TO ORDER

Chair Feldsien called the meeting of the September 23, 2008 SHOREVIEW Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Chair Feldsien, Commissioners Mons, Proud, Schumer, Solomonson and Wenner.

Commissioner Ferrington was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Schumer, seconded by Commissioner Solomonson to approve the agenda as submitted.

ROLL CALL: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

The following changes were made:

Page 1: The August 26, 2008 minutes should reflect that Vice Chair Proud presided

Page 1: First paragraph under the presentation, second sentence should read
 "...tabled requesting..."

Page 1: Second paragraph under the presentation, the word "requires" should be
 singular, "require."

Page 2: First full sentence, the word "City" should be inserted between "The" and
 "strongly".

Page 4: Fourth to the last line, the last word in the second sentence, "that" should be
removed.

Page 8: At the bottom of the page, the text of the motion needs to be inserted.

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to approve the minutes as amended.

ROLL CALL: Ayes - 4 Nays - 0 Abstain - 2 (Feldsien, Mons)

Chair Feldsien and Commissioner Mons abstained, as they did not attend the meeting.

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Nordine reported that the City Council did approve the minor subdivision submitted by Royal Oaks Realty for the property at 600 Tanglewood Drive.

OLD BUSINESS

PUBLIC HEARING – TEXT AMENDMENT – 2008 COMPREHENSIVE PLAN

FILE NO.	2331-08-28
APPLICANT:	CITY OF SHOREVIEW
LOCATION:	CITY WIDE

Presentation by City Planner Kathleen Nordine

At the August 26, 2008 Planning Commission meeting, a public hearing was opened on the City's 2008 Comprehensive Plan. The public hearing was held open to allow further public comment. The City Council has reviewed Chapter 4 on land uses, including the Policy Development Areas (PDAs). PDA 12, Telefarm Property and PDA 14, United Tower Property, now also have residential designations because of their proximity to existing residential areas. A summary of comments received are:

Lange Property: Mr. Lange opposes the proposed land use designation for his property. The Proposal is for ROS, Recreation Open Space and N, Natural. This is a change from the ROS designation in the 2000 Comprehensive Plan. ROS means possible acquisition for public open space. However, Ramsey County has no interest in purchasing the property for parkland. Adding N to the land use designation provides some flexibility and gives recognition that some development may be appropriate recognizing the sensitive natural wetland features. Any development proposal would require a Comprehensive Plan amendment. The property owner, Mr. Lange, would like an Industrial classification.

Island Lake residents support the changed designation for the Lange property. They also expressed concern about future uses that may be allowed on the Ambassador Church property.

Oakridge Avenue: The roadway classification of Oakridge Avenue west of Hanson Road is not changing. It remains a private drive.

Community Demographics: Comment was received encouraging consideration of policies to promote and attract young families to move into Shoreview. The Plan supports a balanced age demographic offering life-cycle and affordable housing opportunities and support for programs that meet the needs of all age groups.

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Comments were also received from Ramsey County regarding surface water and waste management. Revisions have been made to Section 9C and 9E and presented to the Commission.

The 2008 Comprehensive Plan represents policy framework for the City and responds to anticipated changes in the City over the next 20 years. The Plan addresses an aging population, housing stock, infrastructure, limited development opportunities, environmental management, transportation and economic development. It is staff's recommendation that the Plan be forwarded to the City Council for review and approval.

The City Council reviewed Chapter 4, Land Use. Designations for residential were added to PDA #12, the Telefarm property and PDA #14, United Tower Property.

City Attorney Schmidt stated that she has reviewed all notices for public hearings at this meeting, and they are in order.

Chair Feldsien reopened the public hearing.

Mr. Louis Lange, property owner on Lexington Avenue, stated that he objects to rezoning of his property to ROS, N, Natural. It is of no value. He has been paying taxes on the property as Light Industrial and still has a payment due of over \$4,000. The property was dry land before Lexington Avenue was put in. Now the City is pumping water onto his land and has raised the sewers. He believes he is being unfairly shortchanged. There has been interest in developing the property, but the plans have been rejected. The City should buy the property to store water. He has had no cooperation from the City.

Mr. Todd Sharkey, 1003 5th Street North, Stillwater, stated that he objects to the extension of Oakridge Avenue (formerly Martha Street) to become a private road without Planned Unit Development approval. Therefore, all the neighbors would need to be noticed for a public hearing. The center line from Hanson Road north onto Oakridge is shown on the County map as a public road. It is on the City street jurisdiction map as a public street. If the classification of the road is changed, it will substantially change his negotiations to purchase his parents' property. Proper procedures need to be followed for a safe and properly identified public street.

Mr. John Sharkey, 4965 Hansen Road, stated that he does not believe the north portion of his property, an extension of Oakridge, is a private drive based on the number of maps his son has researched. He objects to the City Planner and the Comprehensive Plan referring to it as a private street. He agrees with his son and his comments.

MOTION: by Commissioner Mons, seconded by Commissioner Proud to close the public hearing.

ROLL CALL: Ayes - 6 Nays - 0

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MOTION: by Commissioner Mons, seconded by Commissioner Schumer to recommend the City Council approve the 2008 Comprehensive Plan, subject to review and approval by the Metropolitan Council. The draft 2008 Comprehensive Plan establishes a 20-year policy framework and addresses the needs of a maturing community. In addition, the Plan incorporates the requirements of the Metropolitan Council by recognizing our role in the Twin Cities metropolitan area and addresses relevant policies identified in the regional system plans.

ROLL CALL: Ayes - 6 Nays – 0

RESIDENTIAL DESIGN REVIEW/VARIANCE

FILE NO.: 2330-08-27
APPLICANT: JIM & TRACY LUBRATT/HUSNIK HOMES, INC.
LOCATION: 4240 REILAND LANE

Presentation by City Planner Kathleen Nordine

The Planning Commission reviewed this application at its August 26th meeting and tabled the matter. Staff is recommending the Commission extend the 60-day review period to 120 days to give the applicants more time to revise their plans.

MOTION: by Commissioner Mons, seconded by Commissioner Wenner to extend the review period for the residential design review and variance requests submitted by Husnik Homes on behalf of Jim and Tracy Lubratt, 4240 Reiland Lane, from 60 days to 120 days. This extension will provide the applicants with the additional time needed to revise their plans in response to the Commission's direction to reduce the proposed impervious surface coverage to 30% or less.

ROLL CALL: Ayes - 6 Nays – 0

NEW BUSINESS

PUBLIC HEARING – TEXT AMENDMENT – CHICKENS

FILE NO.: 2335-08-32
APPLICANT: CITY OF SHOREVIEW
LOCATION: CITY WIDE

Presentation by City Planner Kathleen Nordine

An amendment is proposed to the current ordinance that would reference non-domestic chickens rather than include them as non-domestic animals. Non-domestic animals, including chickens, are permitted on properties zoned Residential Estate (RE) and Detached Residential (R1) as long

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as the property consists of at least two acres. A conditional use permit may be required as determined by the City Council.

The proposed ordinance would allow chickens in RE and R1 districts through a City licensing process. On lots larger than two acres, a conditional use permit may be required if the number of chickens exceeds four. On properties of less than two acres, the maximum number allowed would be four, and prohibit roosters. Fencing must be provided to contain chickens at all times. A bi-annual license would be required, and the City would have the right to inspect the property to ensure compliance with the ordinance.

The City's Animal Control Officer has reviewed the proposed amendment and expressed concern about histoplasmosis. However, staff's research has shown no cases of histoplasmosis caused by chickens. Cleanliness of coops and containment areas will be reviewed during inspections.

At its September 8, 2008 workshop, the City Council discussed keeping chickens in residential neighborhoods. Some Council Members believe not more than three should be permitted, the same number allowed for cats, dogs and Vietnamese potbellied pigs.

Commissioner Schumer asked the reasoning that Section 601.030 states that any number of chickens up to the number of four counts as one, while one dog, cat or Vietnamese Potbellied Pig count as one each. Ms. Nordine stated that chickens do not have the same impact as a dog or cat.

Commissioner Wenner asked about fencing and whether wings are required to be clipped. Ms. Nordine stated that fencing must be an enclosure such that the chickens are contained. Most chickens kept in yards have their wings clipped, but it is not required by ordinance.

Chair Feldsien asked if chicks can be hatched. Ms. Nordine stated that the limit is four. A dozen chickens cannot be hatched.

Commissioner Mons requested that the word "chicks" be put in parentheses after the word "pullets" for a clearer definition.

Chair Feldsien opened the public hearing.

Mr. Scott Basterling, 1742 Lois Drive, stated that he is opposed to chickens. He does not want to have a farm next to him. He is dumbfounded that Shoreview residents do not vote on this. In one night he was able to get 39 signatures in a little over an hour in opposition to allowing chickens. People would be more accepting if the majority vote for chickens. It is not right to pit neighbor against neighbor regarding pets. Surrounding communities do not allow them.

Ms. Sharon Ehrlich, 5561 Schutta Road, stated that she keeps chickens for her son's health. There was a parade of coops in Minneapolis and St. Paul. Chickens are allowed in Burnsville.

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They are very well maintained and clean. She showed various coops kept in various neighborhoods in the cities. Her neighbors support her. She submitted a petition of support. Chickens take care of bugs and give eggs. Waste can be used for fertilizer. She double bags it and puts it in the garbage.

Commissioner Mons asked what benefit is brought to the community. **Ms. Ehrlich** answered that the chickens lay eggs and are pets.

Chair Feldsien asked the number of years chickens live and what is done with them in winter. **Ms. Ehrlich** stated that they lay eggs five or six years. Once they molt, they no longer lay eggs. She does not kill them. They can be euthanized. In winter on the coldest days, she brings the coop into the garage.

Commissioner Schumer stated that the pictures shown of other coops shows roofs, which creates another issue. Ms. Nordine explained that a coop would be considered an accessory structure, and ordinance requirements for accessory structures would apply.

Ms. Karen Iverson, 5553 Schutta Road, stated that she works full-time out of her home and rarely hears the chickens--maybe five minutes maximum at one time. Ms. Eric keeps her property impeccable and takes great pride in her yard. She does not consider it living next to a farm and hears more noise from the turkeys in the area than from Sharon's chickens or dogs.

Mr. Tom Lemke, 5577 Schutta Road, agreed with Ms. Iverson and stated that he has no issue with the chickens. There is as much benefit to the community as much as dogs and cats. Chickens in this case are pets and it does not make sense to ask what benefit they bring to the community. As for a general vote by the community, that is the reason for the Council and Planning Commission--to make these regulations. Cities all over the nation have addressed this issue in the last few years.

Ms. Pam Gull, 5609 Schutta Road, stated that 99% of the signatures submitted by Ms. Ehrlich are from neighbors on Schutta Road. She brings grandchildren and grandparents to see them. Sharon's property is one of the best kept yard on the block. She urged Commissioner to visit the property before voting.

Ms. Terry Steva, 5632 Schutta Road, stated that she has lived in the neighborhood for 25 years. The chickens have never been a hassle in the neighborhood. It has only become a problem with a new neighbor who moved in 18 months ago. The chickens have become known as "The Girls" in the neighborhood.

MOTION: by Commissioner Wenner, seconded by Commissioner Mons to close the public hearing.

ROLL CALL: Ayes - 6 Nays - 0

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Chair Feldsien asked if the coop, as an accessory structure, should be architecturally compatible with the residence. Ms. Nordine stated that the code does cover that issue and requires that the structure be consistent with the residence on the property. Certain materials, such as sheet metal, are prohibited.

Commissioner Mons stated that an important distinction for him is that chickens are not pets. He is not sure how prohibition of slaughter is enforced. It is a substantial distinction between an animal for food and a pet. He has had response from others about whether SHOREVIEW is a farm community by allowing chickens. He has many reservations and will not support a recommendation for approval.

Commissioner Wenner stated that he grew up on a farm, and the chickens were pets. What is being proposed is pets with the extra benefit of organic eggs. This is not farming and he wanted to put this in proper perspective.

Commissioner Solomonson also had roosters for pets and empathized with having chickens as pets. They are allowed on properties greater than two acres and he would like to see them allowed for everyone.

Commissioner Schumer stated that he also grew up on a farm, but he never considered them pets. They were for food. Today's generation wants to live in the city but with farm type allowances. He does not want to see ugly coops in back yards. Some people will try to slaughter them. He is undecided on this issue.

Commissioner Proud stated that he does not see this issue as a slippery slope. If there are problems, the ordinance can be amended in the future. He would support the recommendation.

Chair Feldsien stated that he would like to be assured that the accessory building/coops are not sheet metal but in compliance with City Code. Ms. Nordine stated that with approval for chickens, there would be an inspection. The Animal Control Officer would review the structure as part of the inspection. Also, a coop does require a permit and the design would be reviewed during that process.

Chair Feldsien asked if there is any health danger from droppings are used for fertilizer. Ms. Nordine stated that histoplasmosis is air borne spores from disturbed soil with chicken droppings. In most cases there are no human effects. However, some people do become ill from histoplasmosis. Staff in Minneapolis and St. Paul have indicated that there has been no problem with it in those cities.

Chair Feldsien stated that he would like to see that proper disposal of droppings is addressed in the ordinance if this is approved.

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MOTION: by Commissioner Proud, seconded by Commissioner Solomonson to recommend the City Council approve the attached ordinance permitting the keeping of chickens on residential properties provided staff investigate proper waste disposal.

AMENDMENT:

Commissioner Mons moved that the number of chickens be limited to no more than three in keeping with the number of dogs, cats and potbellied pigs allowed, and the total number of animals allowed would be four. Commissioner Schumer seconded.

ROLL CALL ON AMENDMENT:

Ayes - 3 (Feldsien, Mons, Schumer) Nays - 3 (Proud, Solomonson, Wenner)

ROLL CALL ON MAIN MOTION:

Ayes - 5 Nays - 1 (Mons)

SITE AND BUILDING PLAN REVIEW/VARIANCE

FILE NO.: 2334-08-31
APPLICANT: GREYSTONE CONSTRUCTION COMPANY/PaR Nuclear
LOCATION: 899 HIGHWAY 96 WEST

Presentation by Senior Planner Rob Warwick

This application is to remodel the interior of an existing building occupied by PaR Nuclear to add office space and increase the parking area.

The property consists of approximately 5.5 acres above the OHW of Lake Martha. The building of 75,000 square feet is used for an office and production facility. There are 144 off-street parking stalls in the lot. It is proposed to convert an existing storage area to office with approximately 9,600 square feet. An additional 27 parking spaces would be constructed in front of the building adjacent to Highway 96 and Milton Street. Of these parking stalls, 24 comply with the 20-foot setback, but the three easternmost stalls abut the right-of-way with a zero setback. The plan shows 226 stalls on-site and 11 are shown as proof of parking. The applicant states that PaR has 35 to 45 production workers. The large floor area of the building is because of the size of equipment being fabricated.

The impervious surface on the property would be increased from 74.2% to 76%. The property is in the Shoreland District of Lake Martha, which requires impervious surface to be limited to the greater of a maximum of 60%, or the existing coverage. PaR has indicated that the impervious

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surface cannot be reduced. The proposed parking area does not drain toward Lake Martha. The applicant is willing to make site improvements for runoff and infiltration prior to entering Lake Martha. This project is subject to receiving a permit from Rice Creek Watershed District.

Property owners within 350 feet were notified of the project. Two written comments were received in support. One expressed some concern about on-street parking.

The proposal is in compliance with development standards with the exception of the impervious surface ratio and parking area setback for three parking spaces. Staff believes the variances are justified because of the historical development of the site, drainage patterns and Milton Street roadway and is recommending approval. Condition No. 5 for the variance has been revised, as that issue will also be addressed with the Rice Creek Watershed District permit.

Commissioner Proud asked if any mitigating measures are being considered to maintain runoff at the current rate, such as permeable asphalt or an infiltration basin. Mr. Warwick responded that staff first considered an infiltration basin, but the soils are such that it would not be sustained for a long period of time. Runoff water is low in nutrients and high in sediment. Staff is recommending a grit chamber that would have the greatest impact on water quality. However, Rice Creek may require infiltration. Either practice for water quality treatment will be a benefit.

Commissioner Mons asked if more people will be hired with the increased parking and whether there will be continued parking on the street. Mr. Warwick stated that the plan complies with the minimum City parking requirements. In the past, there has been on-street parking. There have been no complaints until last year. At that time the site was occupied by PaR Systems and PaR Nuclear. Now, only PaR Nuclear occupies the site.

Commissioner Mons suggested that if the parking were not expanded, the impervious surface coverage would not have to be increased. Mr. Warwick stated that the back or north side is used for large equipment. The proposed parking in front is more convenient for employees.

Commissioner Mons asked why the hardship is not created by the applicant. Mr. Warwick stated that he believes the hardship is with the alignment of Milton Street for properties on the north side. Commissioner Mons stated that he understands that reasoning better than what is stated on page 3 of the staff report, that "drainage south, rather than toward Lake Martha ... this unique circumstance creates the hardship needed to grant the variance." His main concern is the lot coverage.

Mr. Eric Bender, Greystone Construction, 1224 Madison, Shakopee, stated that PaR Nuclear recognizes that lot coverage is the biggest issue. PaR is willing to add the grit chambers at a cost of over \$12,000 each to improve the quality of runoff from the parking area. It is expected that another 50 employees will be hired to for the company to be fully staffed. Employees are being hired now and it is expected that the staff will be complete within 18 months. PaR is committed to using off-street parking.

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Chair Feldsien asked about snow removal with the zero lot line. **Mr. Bender** stated that PaR will see that the snow is removed.

Commissioner Schumer noted that when fully staffed, there will be 84 parking spaces in front for 180 to 190 office workers. **Mr. Bender** stated that there is some office space along the south side with some parking in the back corner. Commissioner Schumer stated that further, with 130 employees in the one-story building and 57 parking spaces, he is concerned that the current parking problems on Chatsworth Street will continue. **Mr. Bender** stated that PaR is committed to have employees park on-site.

Mr. Bender noted the landscaping plan, which will improve the appearance of this site. Also, an elevator will be put in to comply with ADA standards. Windows will be added to the north side that are consistent with the current windows.

Commissioner Mons asked if it would be possible for an entrance closest to Milton for employees. **Mr. Bender** stated that one issue is security. To add another entrance would mean adding another employee at that entrance.

Commissioner Proud stated that he is supporting the application because of the improvement to the overall water quality and because it will bring new jobs to SHOREVIEW.

Commissioner Mons stated that it is difficult to see hardship to increase impervious surface to 76%. He suggested that the hardship is the nature of the business and security needed that forces the expansion to the south.

City Attorney Schmit stated that what is done on the property is a circumstance created by the applicant. Finding No. 2 as written is adequate to satisfy statute.

MOTION: by Commissioner Mons, seconded by Commissioner Proud to adopt Resolution 08-75, approving a variance to increase the impervious surface coverage and to reduce the parking setback and to recommend that the City Council approve the application for PaR Nuclear, 899 Highway 96, subject to the following conditions:

Variance

1. The site shall be developed according to the plans submitted. Minor modifications may be made to the plans subject to approval by the City Planner. Significant changes to the plans require review and approval of the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.

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3. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.
4. No additional runoff shall be directed to Lake Martha.
5. The applicant will install proprietary sediment removal devices (StormCeptor or equivalent) in the proposed parking area, or construct other storm water management infrastructure on-site as required by the Rice Creek Watershed District.
6. Impervious surface coverage shall not exceed 76% of the lot area above the Ordinary High Water of Lake Martha.
7. The proposed parking area shall be fully located upon the subject property.

This approval is based on the following findings:

1. The proposed use is a permitted use in the Industrial Zoning District.
2. The proposed variances are reasonable due to the historical development pattern on the property, the characteristics of Milton Street and the drainage flow away from Lake Martha.
3. The development will not have a significant adverse impact on the surrounding property.
4. The development will improve water quality and runoff control from the site.

Discussion:

Commissioner Solomonson noted inclusion of the five conditions listed under Site and Building Plan Review. Commissioners Mons and Proud accepted inclusion of these conditions as a friendly amendment.

Site and Building Plan Review

1. The project must be completed in accordance with the submitted site and building plans dated July 24, 2008. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission and the City Council.
2. Parking for this facility shall be provided on-site. Chatsworth and Milton Streets shall not be used to accommodate the parking needs of this facility.
3. Storm water management infrastructure on the site is private. Regular and special maintenance of the private infrastructure will be addressed in a Maintenance Agreement.
4. The project is subject to the permitting requirements of the Rice Creek Watershed District (RCWD).
5. The approval will expire after one year if a building permit has not been issued and work has not begun on the project.

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ROLL CALL: Ayes - 6 Nays - 0

Chair Feldsien called a 10-minute recess after which he reconvened the meeting.

COMPREHENSIVE SIGN PLAN REVIEW

FILE NO.: **2336-08-33**
APPLICANT: **LAWRENCE SING/CWP PROPERTIES CORP.**
LOCATION: **4595 HODGSON ROAD**

Presentation by Senior Planner Rob Warwick

Lawrence Sign Company has submitted a Comprehensive Sign Plan for Mr. Car Wash. The property is under new ownership. The property is zoned PUD, Commercial and fronts on Highway 96 and Hodgson Road. The proposal is to re-face all existing signs to reflect new ownership.

There are two free-standing signs, one on Highway 96, a pylon of 20 feet in height and 40 square feet in area. On Hodgson there is a monument sign of 50 square feet in area. There are also a number of wall signs on the east, west and south elevations. There are also free-standing directional signs on the property. Each are approximately 3 square feet. The signs use consistent colors and materials. There is some concern about the bright red color impact at the gateway area of the City. The signs follow corporate standards. Staff has requested that other colors be considered that would be better suited to the gateway location..

Deviations requested are:

1. Number of wall signs permitted on the east elevation
2. The wall sign area on the south elevation is 12%, code requires 10%; and
3. The area of the pylon sign at 40 square feet is larger than the allowed 30 square feet.

The Code encourages use of monument and individual letter signs. To allow a larger pylon sign goes against the intent of the code. There is also concern that the free-standing signs are not of the same type, one monument sign and one pylon sign. The preference would be monument signs in both locations. There are other pylon signs at Dairy Queen and BP, but they comply with City regulations.

Property owners within 350 feet were notified of the application. No comments were received.

In staff's review, there are concerns about the use of a logo in addition to "car wash", the number of signs on walls, the color brightness and the pylon sign on Highway 96. As a result, staff is recommending this application be tabled to allow the applicant more time to work on these

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issues.

Commissioner Proud asked if the concern with color is conflict with traffic signals. Mr. Warwick stated that the concern is aesthetics.

Mr. Jeff Anderson, Lawrence Sign Company, 8027 4th Avenue South, Bloomington, showed pictures of other sites. The red is a vinyl from 3M and consistently the same at each location. It is important for the color to be the same for customer recognition.

Commissioner Wenner stated that the sign plan seems to be excessive. **Mr. Anderson** stated that the plan is to replace existing face on existing signs. The pylon sign has been in existence on this site since 1992 or 1993. The reason is for the height and so it is visible for traffic from the west.

Chair Feldsien stated that his objection to the pylon sign on Highway 96 conflicts with the traffic light. He asked if all the signs are back lit. **Mr. Anderson** stated that the setback of the pylon sign would make it difficult to confuse it with the traffic light. All the signs are back lit, except the "Express Lube" lettering, which is lit above the bay door.

Commissioner Mons asked the regulation for height. Mr. Warwick answered 12 feet for the size building. Commissioner Mons stated that he could support the pylon sign because the land drops off at that location. If a pylon is approved, he would not want to grant a deviation for a larger signage area.

Commissioner Proud noted that in other locations there are smaller signs. **Mr. Anderson** stated that his concern is color. What is being done at this location is to use the signs that are already here. The proposal is to reface and be able to use existing sign cabinets.

Commissioner Solomonson asked if the corporate logo is the "Mr. Hotshine." **Mr. Anderson** explained that the logo text is "Mr. Hotshine." The red, yellow and blue with a black outline is the corporate color scheme.

Mr. John Lai, Tucson, Arizona, stated that there are 64 stores with the same appearance. It was his understanding that the existing signs could be used. He did not know of the restrictions and that might have influenced purchase of the business. The color scheme is standardized. Fundamental enhancements have already been made. There will be also be landscaping to enhance the property. The request is not to add anything other than what was already on the property.

Chair Feldsien asked if the size of the pylon sign would be reduced to comply with City regulations if approved. **Mr. Lai** answered that if that is required, it will be done.

Commissioner Schumer stated that he has no problem with the colors, and it is important for

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companies to keep continuity. If there is confusion with the traffic light, the red may slow traffic down. However, the pylon needs to be in compliance with City rules.

Commissioner Solomonson stated that he also would like to see the pylon conform to City Code. Perhaps there could be negotiation on the size of the pylon if the red color could be toned down.

Commissioner Proud stated that the level of illumination could tone down the color. He agreed with Commissioner Wenner that it is excessive. The size, color and number of signs is too much. It needs to be downscaled and consistent with the community.

Commissioner Mons expressed reluctance to table this matter because of his concern that further delay leaves the company unable to identify itself. **Mr. Lai** stated that as a result of the sign ordinances, they have been unable to let people know there is a new product. There has been a lot invested and every day without signage is losing money.

MOTION: by Commissioner Mons, seconded by Commissioner Proud to recommend the City Council approve the Comprehensive Sign Review application submitted by Lawrence Sign for 4595 Hodgson Road, subject to the following conditions:

1. The signs shall comply with the plans submitted for the Comprehensive Sign Plan application. Any significant change will require review by the Planning Commission and City Council.
2. The applicant shall obtain a sign permit prior to the installation or refacing of any signs on the property.
3. Temporary signs must be affixed to the principal building. Temporary business signs must be associated with a temporary promotional sale and shall be in place for a maximum of 7 days. No more than two temporary business signs are permitted per year (excludes window signs). A permit shall be obtained prior to installing any temporary signs.

The recommendation is based on the following findings:

1. The signs use uniform color and materials throughout the site.
2. The deviations relieve practical site difficulties that stem from the parcel configuration.
3. The sign plan effectively announces the dual uses conducted on the property.

Discussion:

AMENDMENT NO. 1

Commissioner Schumer offered an amendment, seconded by Commissioner Solomonson that the pylon sign along Highway 96 will be brought into current City Code compliance in relation to size to not exceed 30 square feet.

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ROLL CALL ON FIRST AMENDMENT

Ayes - 5 Nays - 1 (Mons)

AMENDMENT NO. 2

Commissioner Proud offered an amendment, seconded by Commissioner Wenner for illumination of all signage shall be the minimum necessary as determined by staff.

Commissioner Mons stated that it needs to be visible. How would staff proceed on this? He suggested that the illumination be such that it is not a distraction at night to motorists.

Commissioner Proud stated that staff can determine with the applicant what is necessary and aesthetically pleasing.

Commissioner Mons stated that he thought the issue of illumination is confusion with traffic lights. Aesthetics is not something that can be determined. The logo and color is determined.

Commissioner Schumer stated that the amendment is redundant of condition No. 1.

ROLL CALL ON SECOND AMENDMENT

Ayes - 2 (Proud, Wenner) Nays - 4 (Feldsien, Mons, Schumer, Solomonson)

AMENDMENT NO. 3

Commissioner Mons offered an amendment, seconded by Commissioner Solomonson that in the event that the applicant seeks to use a monument sign on Highway 96 in lieu of a pylon sign, consideration be given to the grade level where the monument sign would be erected and that the permissible height be measured from the ground level if you were to extend a horizontal line from the trail to north of the property line.

ROLL CALL ON AMENDMENT NO. 3

Ayes - 5 Nays - 1 (Proud)

Commissioner Solomonson requested that the Planning Commission's concerns regarding color be forwarded to the City Council.

ROLL CALL ON MAIN MOTION WITH THE TWO APPROVED AMENDMENTS

Ayes - 5 Nays - 1 (Proud)

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MISCELLANEOUS

City Council Meetings

Commissioners Solomonson and Wenner are scheduled to respectively attend the October 6th and October 20th City Council meetings.

Planning Commission Meetings

It was the consensus of the Planning Commission to combine the November/December meetings, if possible, and meet Tuesday, December 2nd, or 9th, 2008. If a special meeting is needed, it could be scheduled December 16th. This will include a workshop ahead of the regular meeting. Staff will work on scheduling.

Signage – Exxon Station, 3854 Lexington Avenue

Ms. Nordine reported that staff met with the property owner regarding signage. It is now in compliance.

Commissioner Mons expressed continued concern because he drives by frequently and the sign is different each time. Staff will continue to monitor.

ADJOURNMENT

MOTION: by Commissioner Schumer. The motion was duly seconded to adjourn the September 23, 2008 Planning Commission meeting at 10:42 p.m.

ROLL CALL: Ayes - 6 Nays - 0

ATTEST:

Kathleen Nordine
City Planner